

## CPSC Conference Report Agreement Reached

Washington, D.C. — Senator Daniel K. Inouye (D-Hawaii), Representative John Dingell (D-Mich.), Senator Ted Stevens (R-Alaska), and Representative Joe Barton (R-Texas) announce that the Conference Committee for H.R. 4040, the Consumer Product Safety Improvement Act of 2008, has reached agreement on the Conference Report.

For Immediate Release: July 28, 2008

Contact: Rob Blumenthal (Inouye)/(202) 224-8374; Joe Brenckle (Stevens)/(202) 224-3991; Jodi Seth (Dingell)/(202) 225-5735; Lisa Miller (Barton)/(202) 225-3641

## CPSC Conference Report Agreement Reached

Washington, D.C. — Senator Daniel K. Inouye (D-Hawaii), Representative John Dingell (D-Mich.), Senator Ted Stevens (R-Alaska), and Representative Joe Barton (R-Texas) announce that the Conference Committee for H.R. 4040, the Consumer Product Safety Improvement Act of 2008, has reached agreement on the Conference Report.

“This agreement is a victory for all consumers,” said Senate Commerce, Science, and Transportation Committee Chairman Inouye. “Today we have proven that it is still possible to produce strong, bipartisan bills that serve the best interests of the American people. The Consumer Product Safety Commission (CPSC) has been a neglected agency for too many years, but this legislation puts an end to that neglect. As a result, the CPSC will have the resources, both in personnel and in authority, to provide meaningful and effective oversight for the millions of consumer products that are used each day in the United States. There is no doubt in my mind that thousands of lives will be saved and millions of injuries will be prevented due to the agreement we have reached today.”

“This commonsense piece of legislation takes measurable and concrete steps to protect consumers and children,” said House Committee on Energy and Commerce Chairman Dingell. “It establishes an outline for improving and reforming the nation’s consumer product safety system with provisions including a nationwide ban on products containing lead beyond minute

amounts, desperately needed funding for the CPSC, and dangerous phthalates in children's toys and child care articles. I am proud of the bipartisan spirit with which this legislation was reconciled and I look forward to seeing it sent to the President for his signature before the August recess."

"This landmark legislation will make great strides in protecting American consumers and their children, and will ensure the products they choose to bring into their homes are safe," said Senate Commerce, Science, and Transportation Committee Vice Chairman Stevens. "I am especially pleased to see a provision included to improve ATV safety by requiring both domestic and foreign manufacturers to comply with the same basic safety standards. Combined with proper training courses and consumer safety information, this provision will save many lives."

"One of the roles of government is to get between kids and the sorts of hazards that are well beyond parents who aren't engineers and chemists with laboratories at their disposal," said Committee on Energy and Commerce Ranking Member Barton. "This reauthorization gives the CPSC more teeth and a deeper bite, and makes it dramatically more certain that toys aren't tested for safety by kids on the living room floor before they're tested in a lab by experts. We also reached a sensible compromise on the use of phthalates that every Member of the Conference Committee can support. Nobody wants our kids to be the guinea pigs in a quest for better living through chemistry, but it's also imperative that we use unbiased, confirmable science to sort out the real dangers from the mythical ones. This bill also makes toy safety a national concern instead of relying on the growing conglomeration of local and state rules that threatened to leave everybody confused. Finally, the legislation demonstrates that normal congressional process works awfully well when it's allowed to, and that all the painful work of holding hearings, markups and conference committee meetings is more likely to produce a good outcome than the my-way-or-the-highway process that occasionally tempts lawmakers."

Brief summaries for the final items agreed to today are below:

#### Authorization of Appropriations

The Conferees agreed to modified language that would authorize the Commission for five years beginning in fiscal year 2010, starting at \$118 million and ending at \$136 million. The Conference Report provides a specific travel allowance for the Commission.

#### All-terrain Vehicle (ATV) Safety Standards

The Conferees agreed to mandate that the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America, be published in the Federal Register as a mandatory

standard. The standard would make it unlawful for a manufacturer or distributor to import into or distribute in commerce in the United States a non-compliant ATV.

#### Phthalates Ban &ndash;

The Conferees agreed to modified language that would permanently prohibit the sale of children's toys or child care articles that contain more than 0.1 percent di-(2 ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP). The sale of children's toys or child care articles containing concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP) would be prohibited on an interim basis until a review by a Chronic Hazard Advisory Panel (CHAP). After the Commission receives the report from the CHAP, the Commission, by rule, would determine whether to continue the interim prohibition.

#### Whistleblower Protections

&ndash; The Conference Report includes whistleblower protections for employees of manufacturers, private labelers, retailers, and distributors.

#### Third Party Testing; Inspection of Proprietary Labs &ndash;

The Conferees agreed to require third party testing of certain children's products and provide authority to the Commission to inspect manufacturers' proprietary laboratories.

#### Mandatory Toy Standards

&ndash; The Conferees agreed to language that would make the American Society for Testing and Materials (ASTM) International standard F963-07, as it exists on the date of enactment of this Conference Report (except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute) an interim consumer product safety standard pending evaluation by the Commission. The Commission would be required to establish the mandatory standards by rule after the relevant components of the standard are evaluated. The Conference Report requires the Commission to promulgate rules to ensure the highest level of safety for toys.

#### Notification of Noncompliance

&ndash; The Conference Report amends the notification requirements under section 15(b) of the Consumer Product Safety Act (CPSA) to promote the timely, accurate, and complete disclosure to the Commission of information that is necessary to protect public health and safety.

#### Prohibited Acts

&ndash; The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment, incorporating into the CPSA violations created by this Conference Report.

#### Criminal Penalties &ndash;

The Conferees agreed to language that would authorize the Commission to seek asset forfeiture as a penalty for a criminal violation of acts enforced by the CPSC and would increase maximum criminal penalties and remove the knowledge of notice of noncompliance requirements for directors, officers, and agents under section 21(b) of the CPSA.

#### Formaldehyde Study

&ndash; The Conference Report directs the Government Accountability Office to conduct a study on the use of formaldehyde in manufacturing of textile and apparel articles.

#### Preemption &ndash; The

conferees included preemption provisions where appropriate, ensuring a uniform national standard of toy safety. The Conferees also included language intended to clarify that the requirements under the Conference Report, the CPSA, and the FHSA shall not be construed to preempt or affect State warning requirements under State laws, such as California's Proposition 65, that were enacted prior to August 31, 2003.

#### Conferees

also reached resolution as to whether to preempt State authority under the new federal third party testing regime created in the Conference Report, agreeing not to insert preemption for federal third party testing.

Prepared by the Committee on Energy and Commerce

2125 Rayburn House Office Building, Washington, DC 20515